

Serial No.: 10/604,982

**Remarks/Arguments**

Claims 1-58 were in the application as filed. Claims 45-58 have been withdrawn pursuant to a telephonic restriction requirement and election made by Applicants' attorney. Applicants have amended claims 1, 3, 18, 20, 26, and 28. Applicants have cancelled claims 12-15, 22-25, 41, and 42. Upon entry of this amendment, claims 1-11, 16-21, 26-40, 43, and 44 will be pending in this application.

Applicants affirm the verbal election of claims 1-44 made in response to the Examiner's telephonic restriction requirement of August 2, 2005. Applicants hereby thank the Examiner for her willingness to handle this item via the telephone in order to advance the prosecution of the application.

The Examiner has rejected claims 14-15, 24-25, and 41-42 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the invention. Applicants have herein cancelled these claims, rendering the rejection under section 112 moot. Applicants however note that they have herein amended claim 28 to correct a typographical error that was not detected by the Examiner.

The Examiner has rejected claims 1, 3-5, 10, 12, 14-15, 18, 20-22, 24-26, 28-29, 34, 36, 38, and 41-42 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,794,142 to Vanttila, et al. ("Vantilla"). Applicants would like to respectfully explain at least one of the differences between the system of Vantilla and their invention. In Vantilla, a user consciously identifies a function of the mobile device that is not currently enabled, but is to be activated and then takes deliberate steps to activate that function. This process is described in col. 6 of Vantilla in the area generally relied on by the Examiner in issuing her rejection under section 102. For example, the user can select a function from "a displayed list of non-enabled functions." Col. 6, lines 17-18. The mobile terminal can then be made to seek permission to "activate" the function, and eventually, allow the user to access that function through the user interface. The term "activate" in the context of Vantilla refers to the action of making the heretofore non-enabled function available or accessible to the user.

Applicants' invention, by contrast, is directed at *registering* the use of a licensed module in the mobile device, transparently, without requiring any "activation" in the sense of the word as used by Vantilla. A user can simply use the function, and the use of the function, which is

Serial No.: 10/604,982

already "active" and available through the menu system of the mobile device, is registered so that its use can be appropriately tracked. Independent claims 1, 18 and 26 have been amended herein to recite that the "registering of the . . . licensed module is substantially transparent to the user of the mobile device." Support for this recitation can be found in paragraphs [0003] and [0014] of the specification. Applicants submit that at least the above recitation renders claims 1, 18, and 26 patentably distinguishable from Vantilla.

Additionally, claims 1 and 18 have been amended to recite that the assembling of the registration message is based on the "licensed module being initially accessed" and claim 26 has been amended to recite that the message is assembled in order to enable the "registering" of the licensed module. Further, dependent claims 3 and 20 have been amended to refer to a "registration system" as opposed to an "activation" system. Applicants submit that at least some of these amendments only make explicit what was implicit in Applicants' definition of the word "activation" however these amendments may serve to clarify how Applicants' definition relates to registering the use of an already available module rather than activating the module so that it is available for use. Support for these recitations can be found throughout the specification and drawings, but especially in paragraphs [0015] through [0017]. Applicants submit that these recitations further underscore that the above-discussed claims are patentably distinguishable from Vantilla.

Applicants further submit that all other dependent claims in the application incorporate at least some of the above recitations through dependency. Thus all of the dependent claims in the application are thus patentably distinguishable from Vantilla for at least these same reasons.

Applicants submit that they have responded to all concerns raised by the Examiner. Reconsideration of the application as amended is hereby requested.

Date: 20 Sep 05Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

Respectfully submitted,

Steven B. Phillips  
Registration No. 37,911  
Moore & Van Allen PLLC  
P.O. Box 13706  
Research Triangle Park, NC 27709-3706